REMARKS

Applicants submit the following Preliminary Amendment with a Request for Continued Examination in response to the October 14, 2008 Final Office Action. For at least the reasons stated below, Applicants submit that all pending claims are in condition for allowance.

Claims 1, 16 and 32 have been amended to indicate that the "copy of the database contains schema matching the schema of the database and maintains a history of schema changes," the migration script is generated according "to a comparison of the changes made to the schema with the history of the schema changes of the first copy of the database," and "sending the framework through a source code control system." These amendments do not add any new matter beyond the specification as originally filed and as such, Applicants request entrance and examination.

Claims 16-25 stand rejected under 35 U.S.C. s101 as being directed to non-statutory subject matter. Applicants respectfully disagree as the claims clearly and succinctly recite a machine of the "machine or transformation" test of *In re Bilski*. Claim 16 recites a database schema reader, a framework and a delivery service, all satisfying the machine aspect of the machine or transformation test. Moreover, claims 16-25 also satisfy the transformation prong of the machine or transformation test including the transformation for the synchronization of copies of a database. Accordingly, Applicants request reconsideration and withdrawal of the present rejection.

Claims 35-39 stand rejected under 35 U.S.C. s112, p2 as being indefinite. Claims 35-39 have been amended to correct the language, obviating the present rejection.

Claim 1-10, 16-25 and 32-40 stand rejected under 35 U.S.C. s1029e) as being anticipated by U.S. Patent No. 7,107,589 ("Tal"). Applicants respectfully disagree.

For the sake of brevity, Applicants resubmit the previously-offered positions regarding the discussions of Tal. Wherein, Tal discusses application software migration and version control to install or upgrade a database platform for an end user (see, e.g. col. 9, lines 1-10). As understood, the Examiner interprets the first copy of the database as a source safe 105 (figure 1) containing programming elements. The determination of changes made to the schema of the first copy of the database is drawn to the programming elements that are to be enhanced and checked out from the source safe. The elements that are to be enhanced are presumably interpreted as the changes that are "determined." As also understood, the Examiner also takes the position that end-user server 180 of Fig. 1 qualities as the one or more other copies of the database while software migration on the database platform of the end-user server 180 constitutes a database upgrade.

By distinction, the recited claims indicate that each copy of the database maintains a history of schemas versions and/or migration scripts. These histories are used to compare with schema versions on each database copy overcomes the Tal reference because Tal does not mention a history of schema versions on each database.

The claimed invention controls the content versions of databases and their schemas. The schema defines the tables, the fields in each table, and the relationships between fields and tables. By contrast, Tal is trying to control the software running on database systems. There are three databases discussed by Tal. The source safe 105 includes programming elements of prior, current and future versions of the application

software to be migrated (Column 3, lines 43-46) but there is no mention of maintaining a list of specific schema versions. The end-user database system maintains only a log file detailing the status information of each migration step performed during the software migration and is not used for schema versioning. The configuration repository used to organize and or package the migration process does seem to contain previously released software versions but not relating to database schema (Column 5, lines 4-15). It should also be emphasized that each copy of a database should maintain a same schema content or version. Clearly, each of the databases of Tal are different with respect to what each of them contain as a whole. The safe source contains programming elements, while the configuration repository contains a software migration and the end user database contains end-user specific information.

Accordingly, Applicants request withdrawal of the rejection of claims 1, 16 and 32 and allowance of the same. Claims 2-10, 17, 19-25 and 36-39 depend from claims 1, 16 and 32, respectfully, and Applicants submit that these claims are also allowable for at least the same reasons stated above.

For at least all of the above reasons, Applicants respectfully request that the Examiner withdraw all rejections, and allowance of all the pending claims is respectfully solicited. To expedite prosecution of this application to allowance, the Examiner is invited to call the Applicants' undersigned representative to discuss any issues relating to this application.

Respectfully submitted,

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